

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 4, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS - 2008-0168 to 2008-0180
ORDINANCES - 2008-0170 to 2008-0195
RESOLUTION – None

2008-0167-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Holm

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

Motion 2008-0168 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 5, 2008 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

MAYOR'S REPORT

Motion 2008-0169 – Accept Report

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2008-0172

DATION from Director Houston Airport System for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports - \$145,300.00 - Enterprise Fund
DISTRICTS B - JOHNSON and I - RODRIGUEZ

MISCELLANEOUS - continued

2. Motion 2008-0173

DATION from Fire Chief for Extension of Injury on duty leave for Fire Fighter **LORENZO TOLBERT**

PROPERTY - NUMBER 3

3. Motion 2008-0174

DATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis of C. L. Davis & Company, on behalf of Houston Independent School District, for abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, Parcel SY8-046 - **APPRAISERS - DISTRICT H - GARCIA**

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 6

4. Motion 2008-0175

TEMS, INC for Dell Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Houston Airport System - \$145,348.67 Enterprise Fund

5. Ordinance 2008-0171

ORDINANCE appropriating \$1,864,162.06 out of Fleet/Equipment Acquisition Internal Services Fund for the Purchase of Automobiles, Utility Vehicles, Pickup Trucks, and associated equipment for the Police and Fire Departments

a. Motion 2008-0176

AMEND MOTION #2007-260, 3/7/07, TO PURCHASE additional Automobiles, Utility Vehicles, and Pickup Trucks for Police and Fire Departments, awarded as follows:

PFPP, L.P. d/b/a PLANET DODGE - \$1,330,988.00

BABY JACK II AUTOMOTIVE LTD. d/b/a CALDWELL COUNTRY CHEVROLET - \$181,584.00

PHILPOTT MOTORS, LTD. - \$104,923.00

6. Motion 2008-0177

RUSH TRUCK CENTERS OF TEXAS, L.P. - \$170,668.00 and **TEXAS UNDERGROUND, INC** - \$399,520.24 for Combination Vacuum and Sewer Cleaning Trucks with Video Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - Stormwater Fund

ORDINANCES - NUMBERS 7 through 31

7. Ordinance 2008-0188

ORDINANCE **AMENDING ARTICLE II OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to coin-operated machines; adding a new definition; amending certain terms; specifying certain offenses, and containing other provisions relating to the foregoing subject; providing for severability; providing for an effective date

ORDINANCES - continued

8. Ordinance 2008-0172

ORDINANCE relating to the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2008A (AMT), and such other series or subseries as designated herein and providing for the payment thereof; authorizing the Mayor and City Controller to approve the amount, interest rate, price and terms thereof, determine the outstanding bonds or Notes to be refunded and defeased, and approve certain other procedures and provisions relating thereto; authorizing the refunding and defeasance of certain outstanding Airport System Senior Lien Commercial Paper Notes, certain outstanding Subordinate Lien Revenue Bonds and Special Facilities Bonds; approving the sale of the bonds and authorizing the execution and delivery of a Bond Purchase Agreement, one or more Escrow Agreements by and between the City and the Refunded Note Escrow Agent and Refunded Bond Escrow Agent, and a Paying Agent/Registrar Agreement; authorizing the purchase of Bond Insurance and a Reserve Fund Surety Policy; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of bonds; and declaring an emergency

9. Ordinance 2008-0173

ORDINANCE approving and authorizing lease agreement between **RMC HP III, L.P., a Texas Limited Partnership, as landlord ("Landlord")**, and the City of Houston, Texas, as tenant (the "City"), for a total of 23,178 square feet of space located at 601 Sawyer Street, Houston, Harris County, Texas, at a monthly rental of \$34,284.13 during the first twenty-four (24) months and a monthly rental of \$35,732.75 during the following twenty-four (24) months, for use by the Parks & Recreation Department - \$840,202.56 - General Fund - **DISTRICT H - GARCIA**

10. Ordinance 2008-0174

ORDINANCE approving and authorizing agreement between the City of Houston, **AFFORDABLE COMMUNITIES DEVELOPMENT CORPORATION** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT D - ADAMS**

11. Ordinance 2008-0175

ORDINANCE approving and authorizing agreement between the City of Houston, **SUNNYSIDE PLACE COMMUNITY DEVELOPMENT CORPORATION** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT D - ADAMS**

12. Omitted

13. Council Members Clutterbuck, Lawrence and Adams tagged

ORDINANCE amending Ordinance No. 2007-609 to reduce funding from \$700,000.00 to \$210,000.00 and to reduce the number of affordable homes to be constructed from ten (10) to three (3) and approving and authorizing first amendment to second lien construction financing agreement between the City of Houston, **HOLMES COMMUNITY DEVELOPMENT CORPORATION** and **UNITY BANK** - **DISTRICT D - ADAMS**

a. Council Members Clutterbuck and Lawrence tagged

ORDINANCE approving and authorizing agreement between the City of Houston, **HOLMES COMMUNITY DEVELOPMENT CORPORATION** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$490,000.00 for eligible costs in connection with the construction of seven (7) affordable homes - **DISTRICT D - ADAMS**

ORDINANCES - continued

Motion 2008-0170 – Suspend rules to consider Items 14 and 37 out of order

14. Council Members Lawrence and Clutterbuck tagged

ORDINANCE amending Ordinance No. 2007-606 to provide additional funding in the amount of \$280,000.00 and approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** and **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** to increase the funding from \$420,000.00 to \$700,000.00 for eligible costs in connection with the construction of four (4) additional affordable homes for a total of ten (10) affordable homes - **DISTRICT B - JOHNSON**

15. Ordinance 2008-0176

ORDINANCE amending Ordinance No. 2007-608 to provide additional funding in the amount of \$490,000.00 and approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, **MACSC AND HOUSING, INC** and **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** to increase the funding from \$210,000.00 to \$700,000.00 for eligible costs in connection with the construction of seven (7) additional affordable homes for a total of ten (10) affordable homes - **DISTRICT D - ADAMS**

16. Council Member Rodriguez tagged

ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** authorizing \$3,000,000.00 in Home Investment Partnerships (HOME) Funds for the rehabilitation of a fifty-seven (57) unit single room occupancy complex located at 1414 Congress Street - **DISTRICT I - RODRIGUEZ**

Motion 2008-0179 – Suspend rules to reconsider Item 17 out of order

17. Ordinance 2008-0191

ORDINANCE approving and authorizing contract between the City and the **SALVATION ARMY HOUSTON, TEXAS** for Elderly Services - \$135,440.09 - Grant Fund

18. Council Members Clutterbuck, Brown and Lawrence tagged

ORDINANCE approving and authorizing amendment to Developer Participation Contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the El Tesoro Subdivision - **DISTRICT E - SULLIVAN**

19. Ordinance 2008-0177

ORDINANCE approving and authorizing Interlocal Agreement among the City of Houston, **HARRIS COUNTY** and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Development of a Multi-Use Detention Basin that includes City-owned property on the north bank of Halls Bayou **DISTRICT B - JOHNSON**

20. Ordinance 2008-0178

ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Development of a Multi-Use Detention Basin that includes City-owned property on the south bank of Halls Bayou - **DISTRICT B - JOHNSON**

21. Ordinance 2008-0179

ORDINANCE amending Ordinance No. 2005-663 (passed by City Council on May 15th 2005) to increase the maximum contract amount for Contract No. C57021 between the City of Houston and **MOTOROLA, INC** for Software Technical Support Services for the Information Technology Department - \$185,325.00 - Central Service Revolving Fund

ORDINANCES - continued

22. Ordinance 2008-0180

ORDINANCE amending Ordinance No. 2002-1180 (passed by City Council on December 18, 2002) to increase the maximum contract amount and approving and authorizing the first amendment to contract between the City of Houston and **GRACE INDUSTRIES, INC** for Repair Maintenance Services for the Fire Rescue Monitoring and Accountability System for the Houston Fire Department - 6 Years - \$1,896,711.95 - General Fund

23. Council Member Clutterbuck tagged

ORDINANCE amending Ordinance No. 2003-740 to increase the maximum contract amount to Contract 4600000759 (C55205) between the City of Houston and **CONROE GOLF CARS** (formerly known as **E-Z-GO DIVISION OF TEXTRON, INC**) for Golf Cart Leasing Services for Various Departments - \$473,174.00 - General and Park Special Revenue Funds - **DISTRICTS B - JOHNSON; D - ADAMS; F - KHAN and G - HOLM**

24. Ordinance 2008-0181

ORDINANCE approving and authorizing contract between the City of Houston and **VENTYX, INC** for Software Maintenance and Support Services for the Automated Mapping, Routing and Scheduling Service Order System; providing a maximum contract amount - 3 Years with two one-year options - \$1,614,893.26 - Enterprise Fund

25. Ordinance 2008-0182

ORDINANCE awarding contract to **AMERICAN CADASTRE, LLC d/b/a AMCAD**, and appropriating \$800,000.00 out of Equipment Acquisition Consolidated Fund for a Vital Statistics Imaging and Retrieval Information System for the Bureau of Vital Statistics of the Health & Human Services Department; providing a maximum contract amount - 3 years with two one-year options \$1,242,363.99 - Health Special and Equipment Acquisition Consolidated Funds

26. Ordinance 2008-0183

ORDINANCE appropriating \$335,830.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **MORRIS ARCHITECTS, INC** for Tactical Training and SWAT Rifle Ranges, WBS G-000088-0004-3

27. Ordinance 2008-0184

ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and authorizing Professional Consulting Services Contract by and between the City of Houston and **HNTB CORPORATION** for the Preparation of an Environmental Impact Statement at George Bush Intercontinental Airport/Houston; WBS A-000540-0002-1-01, (Project No. 589) - **DISTRICT B - JOHNSON**

28. Ordinance 2008-0185

ORDINANCE appropriating \$300,000.00 out of General Improvement Consolidated Construction Fund, \$320,000.00 out of Solid Waste Consolidated Construction Fund, \$355,000.00 out of Public Library Consolidated Construction Fund, \$300,000.00 out of Parks Consolidated Construction Fund, \$265,000.00 out of Public Health Consolidated Construction Fund and \$200,000.00 out of Fire Consolidated Construction Fund as an additional appropriation for minor construction of city facilities under a Job Order Contract with **WILLIAMS & THOMAS, LP dba JAMAIL CONSTRUCTION** (approved by Ordinance No. 2007-167), WBS D-000108-0002-4, L-000JOC-0001-4, E-000JOC-0001-4, F-000585-0002-4, H-000069-0002-4, C-0000EQ-0001-4, and approving and authorizing first amendment to the Job Order Contract

ORDINANCES - continued

29. Ordinance 2008-0186

ORDINANCE appropriating \$94,620,351.00 out of Water & Sewer System Contributed Capital Fund, \$51,719,021.00 out of Water & Sewer System Consolidated Construction Fund, and appropriating and transferring \$39,258,294.00 out of Combined Utility System General Purpose Fund into the Water & Sewer Construction City Contribution Fund and appropriating such funds out of Water & Sewer Construction City Contribution Fund, and authorizing the appropriation of the additional \$39,258,294.00 out of Water & Sewer System Consolidated Construction Fund to be used only as an alternative in whole or in part to the \$39,258,294.00 appropriation from the Water & Sewer Construction City Contribution Fund in the event and to the extent the level of cash receipts necessitate the substitution of funds (total appropriation to be expended on this project not to exceed \$185,597,666.00), awarding contract to **PEPPER-LAWSON / OSCAR RENDA, JV** for Southeast Water Purification Plant Expansion, WBS S-000012-0020-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, site security services, and contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund, the Water & Sewer System Consolidated Construction Fund and the Combined Utility System General Purpose Fund **DISTRICT E - SULLIVAN**

30. Ordinance 2008-0187

ORDINANCE appropriating \$8,909,427.59 out of Metro Project Commercial Paper Series E Fund and \$1,772,472.41 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Neighborhood Street Reconstruction Project 438A, WBS N-000371-0002-4, S-000500-0049-4 and R-000500-0049-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund & Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; G - HOLM and H - GARCIA**

31. Council Members Clutterbuck and Lawrence tagged

ORDINANCE appropriating \$1,001,662.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Design of North Corridor Consolidation Plan, Package 2A, WBS R-000536-0012-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 32 through 38

32. Ordinance 2008-0192

ORDINANCE approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone); authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the zone - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, HOLM, GREEN, LAWRENCE and JOHNSON**

This was Item 1A on Agenda of February 27, 2008

33. Motion 2008-0180 – Adopt

MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,420,675.88 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Bertner Bridge and Paving from Holcombe to S. Braeswood, Package 1, Holcombe to Brays Bayou, WBS N-000722-0001-4 - 1.61% over the original contract amount - **DISTRICT D - ADAMS**

TAGGED BY COUNCIL MEMBERS JONES and ADAMS

This was Item 9 on Agenda of February 27, 2008

34. Ordinance 2008-0193

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2007-1425 by adding eight (8) Lieutenant positions, six (6) Sergeant positions and one hundred (100) Senior Police Officer positions and by deleting one hundred (100) Police Officer positions; to increase the number of eligible recipients for the Bomb Squad Assignment pay by eight (8) and to extend S.W.A.T. Assignment pay to responders as needed; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance

TAGGED BY COUNCIL MEMBER JONES

This was Item 14 on Agenda of February 27, 2008

Motion 2008-0178 – Suspend rules to consider Items 35 and 35a out of order

35. Ordinance 2008-0189

ORDINANCE appropriating a total of \$15,942,042.00 from the reimbursement of Equipment/Projects Fund (Fund 1850), approving and authorizing the purchase of land known as Blocks 203, 204, 205, 218 and 219, SSBB, Harris County, Texas, from the following parties, as their respective interests appear: (1) Louis Macey, Trustee, on behalf of a trust created pursuant to an agreement dated November 17, 1997, (2) Louis Macey, Trustee, on behalf of undisclosed parties; (3) Macey Family Properties, Ltd., a Texas Limited Partnership; and (4) Macey Family Properties II, Ltd., a Texas Limited Partnership; approving necessary documents related thereto, including certain agreements related to parking and the demolition of existing improvements; finding and determining that public convenience and necessity no longer require the continued use of a portion of public street right-of-way consisting of Jackson Street between Rusk Avenue and Capitol Avenue; vacating and abandoning said public street right-of-way to the abutting owners Macey Family Properties II, Ltd., a Texas Limited Partnership and LAM Block 100, Ltd., a Texas Limited Partnership, as their respective interests appear, for the appraised fair market value; approving the conveyance of the City's interest in the real property underlying such street to the abutting owners Macey Family Properties II, Ltd., a Texas Limited Partnership and to LAM Block 100, Ltd., a Texas Limited Partnership, as their respective interests appear, for the appraised fair market value while reserving and retaining easement rights for the public utilities currently in place until the abutting owners grant acceptable permanent utility easements to the City and move the utilities to such easements at their expense - **DISTRICT I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBERS JONES, SULLIVAN, LAWRENCE, JOHNSON, HOLM, KHAN, GREEN and CLUTTERBUCK

MATTERS HELD - continued

a. Ordinance 2008-0190

ORDINANCE approving and authorizing the conveyance of land known as Block 193, SSBB, Harris County, Texas and the improvements thereon in exchange for (1) \$250,000.00, (2) the acquisition of land known as Block 220, SSBB, Harris County, Texas, and the improvements thereon, from 800 Dowling, LP, a Texas Limited Partnership; and the entering into of a lease-back agreement by the City as "Tenant" and 800 Dowling, LP as "Landlord" of Block 193, SSBB, and the improvements thereon; approving necessary documents related thereto -

DISTRICT I - RODRIGUEZ

TAGGED BY COUNCIL MEMBERS SULLIVAN, LAWRENCE, JOHNSON, HOLM, KHAN, GREEN, CLUTTERBUCK and JONES

These were Items 15 and 15A on Agenda of February 27, 2008

36. Ordinance 2008-0194

ORDINANCE approving and authorizing contract between the City of Houston and **INTERNATIONAL FORENSIC SCIENCE LABORATORY & TRAINING CENTRE** for Consulting Services for the Houston Police Department; providing a maximum contract amount - \$64,000.00 General Fund - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 19 on Agenda of February 27, 2008

37. Ordinance 2008-0170 – Adopt as amended

ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2007-1281 by adding two (2) Inspector positions and deleting one (1) Communications Senior Captain Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance

TAGGED BY COUNCIL MEMBERS GARCIA and ADAMS

This was Item 33 on Agenda of February 27, 2008

Motion 2008-0171 – Amend Item 37 to add Emergency Operations Senior Captain Position

38. Ordinance 2008-0195

ORDINANCE amending City of Houston Ordinance No. 91-392, which authorized assignment pay for the Police Mentor Program and authorized the Chief of Police to promulgate internal rules and/or guidelines to implement the Police Mentor Program - \$200,000.00 - General Fund

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 34 on Agenda of February 27, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Adams first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

3/4/2008 – Council Members Green and Jones absent on personal business

3/5/2008 – Council Members Green and Jones absent on personal business